

The well driller & plumbing contractor's responsibility

Section 21(b) of IC 14-25-4 requires that all water well drilling and plumbing contractors must inform the potential well owner of the provisions of the law before drilling or equipping a well. If an individual is informed of the law, but does not wish to have his well constructed in accordance with the supplemental standards, the drilling or plumbing contractor may want to retain specific documentation indicating that he has fulfilled his responsibility under the law.

Indiana Code 25-39 is another regulation that deals specifically with well drillers in Indiana. IC 25-39 requires that all water well drillers must hold a valid Indiana water well drilling license. They must also keep accurate drilling records for each well and submit these to the DNR Division of Water within 30 days after well installation. The Division of Water maintains a searchable online database of nearly 350,000 well records. These records have proven to be extremely valuable in helping drilling contractors, homeowners, industries, irrigators, and geologists to assess ground water availability. Water well drillers must also comply with rule 312 IAC 13, which establishes minimum well construction standards for all wells drilled in Indiana.

For further information concerning hydrologic data available from the DNR Division of Water, or laws pertaining to water well drillers and pump installers in Indiana, please contact:

**Indiana Department of Natural Resources
Division of Water
402 W. Washington Street, Room W264
Indianapolis, Indiana 46204-2641**

Phone: (317) 232-4160
Toll Free: (877) 928-3755
Fax: (317) 233-4579
email: water_inquiry@dnr.state.in.us

<http://www.IN.gov/dnr/water>

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Indianapolis, Indiana 46204-2641**



Water Rights: Emergency Regulation



Indiana Code 14-25-4

The availability of adequate quantities of safe, potable ground water has become an increasingly important water resource issue in Indiana.



With the enactment of Indiana Code 14-25-4 (Water Rights: Emergency Regulation Statute) by the 1985 Indiana General Assembly, owners of small-capacity water wells (having a pump capacity of less than 70 gallons per minute) are protected from significant drawdowns caused by pumpage from nearby high-capacity wells. This state law attempts to strike a balance between the interests of both small-capacity well owners and large-capacity users who wish to develop Indiana's water resource.

Supplemental well construction standards?

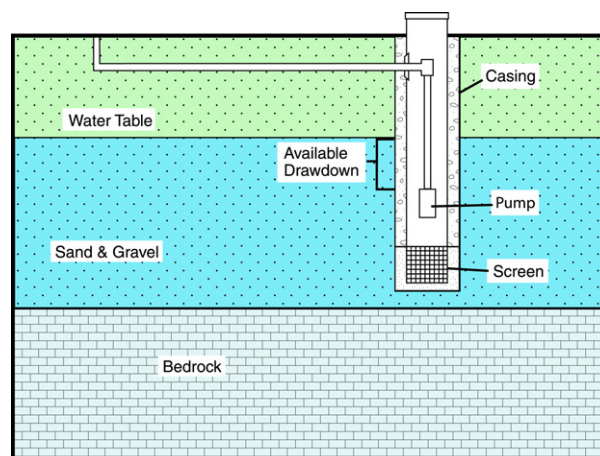
Indiana Code 14-25-4 protects all properly functioning domestic wells constructed before January 1, 1986. New wells constructed after this date must be constructed in accordance with the rules set forth in 312 IAC 12 in order to have legal protection. These rules set minimum requirements for the depth of pump settings in domestic wells. They also specify how much of the source aquifer should be penetrated by the new well. These supplemental construction standards are enforced in addition to the minimum well construction requirements found in 312 IAC 13.

The Water Rights Law does not require that new water wells be installed in accordance to the

supplemental well construction rules. The owner of a domestic well is not breaking the law if he fails to comply. However, if future high-capacity pumpage causes a significant water level lowering in a domestic well constructed after January 1, 1986, and that domestic well does not meet the rule requirements, the domestic well owner will not have protection under the law.

Should I follow the supplemental standards?

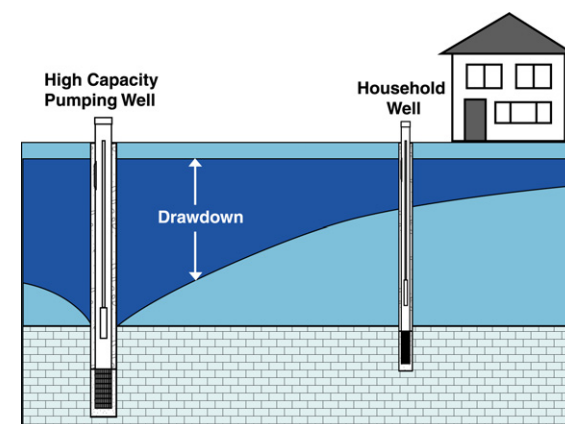
The decision as to whether a new water well should be constructed according to 312 IAC 12 is left up to each individual well owner. On-site ground water conditions, the existence of nearby high-capacity water wells, and the possibility of the future development of high-capacity water wells in the area should be considered before making a decision.



The potential owner of a new water well should ask: Is it possible to obtain 70 gallons per minute from a well in the vicinity? If so, are any industries, utilities irrigators, or other large ground water users currently located nearby? What are the chances of such large users locating nearby in the future?

The water well drilling contractor and/or Department of Natural Resources (DNR) Division of Water should be able to supply information that will allow the owner to select the best method of well construction for his/her individual water needs.

If your well is affected by high-capacity pumpage...



If a small-capacity well no longer furnishes its normal supply of water, and the well owner suspects that it may be affected by adjacent high-capacity pumpage, the owner can submit a written complaint to the director of the DNR. The DNR will then conduct an on-site investigation of the problem. If it is determined that nearby high-capacity pumpage has caused substantial lowering of the water level in the small-capacity well, and this well is protected under IC 14-25-4, the law states that the high-capacity user can be liable, and could be required to provide an alternate supply of water to the domestic well owner. Complaint letters should be sent to:

Director
Indiana Department of Natural Resources
402 W. Washington St., Room W256
Indianapolis, IN 46204

Any questions?

The Water Rights & Use section of DNR Division of Water will answer any questions concerning IC 14-25-4 or 312 IAC 12. Contact the Division's Water Rights & Use Section at (317) 232-4160 or toll free at 1-877-928-3753.